IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 26008 of 2007(U)

PETITIONER:

M/S. RELIANCE TELECOM INFRASTRUCTURE LTD
H.BLOCK, 1ST FLOOR, DHIRUBHAI AMBANI KNOWLEDGE CITY,NAVI MUMBAI-400710, BRANCH OFFICE AT A & P ARCADE, SAHODARAN AYYAPPAN ROAD, KADAVANTHARA, REPRESENTED BY ITS CIRCLE MANAGER (LEGAL) & AUTHORISED SIGNATORY V.K.SAJITH.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE, PAYYANNUR, KANNUR.

2. PADMINI, W/O.AYILATHALA GOPINATHAN, THEKKE MANKKAD, KARIVALLOOR, KANNUR DISTRICT.

3. A.K.GIRISH KUMAR, S/O.THAMBAI, AYILATHALA KIZHAKKE KOVALL, THEKKEMANAKKAD, --D0--.

4. M.V.RAVEENDRAN MASTER, S/O.LATE MAMANI GOPALAN, -DO--.

5. GANGADHARAN, S/O.C.K.KUNHIKRISHNAN CHETTIKIZHAKKE VEETTIL, -DO-.

R1 BY SPECIAL GOVT. PLEADER MR.C.T.RAVIKUMAR
R2 TO R5 BY ADV.MR.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LICENCE AGREEMENT FOR BASIC TELEPHONE SERVICE IN KERALA SERVICE AREA DATED 20.7.2001.

EXT.P2 TRUE COPY OF THE LICENCE AGREEMENT FOR PROVISION OF UNIFIED ACCESS SERVICES AFTER MIGRATION IN KERALA SERVICE AREA DATED 20.7.2001

EXT.P3 TRUE COPY OF S.O.382(E) DATED 24.5.1999

EXT.P4 TRUE COPY OF S.O.170(E) DATED 7.2.2002

EXT.P5 TRUE COPY OF CONSENT FROM MR.K.KUNHIKRISHNAN DATED 19.7.2006

EXT.P6 TRUE COPY OF THE RECEIPT ISSUED BY KARIVELLOOR-PERALAM GRAMA PANCHAYAT DATED 21.11.2006

EXT.P7 TRUE COPY OF THE ORDER NO.A-116/06 OF KARIVELLOOR-PERALAM GRAMA PANCHAYAT DT.21.11.2006

EXT.P8 TRUE COPY OF THE COMPLAINT FILED BEFORE THE FIRST RESPONDENT DATED 23.7.2006

EXT.P9 TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT DATED 24.7.2007.

/ TRUE COPY /

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) No.26008 of 2007

Dated, this the 4th day of September, 2007

JUDGMENT

H.L.Dattu, C.J.

Petitioner is a company engaged in providing telecommunication and related services to the general public. In order to provide its services to the public, petitioner is setting up Base Transceiver Station (BTS) in various places in Kerala. According to the petitioner, respondents 2 to 5 are obstructing the petitioner company in erecting/setting up a Base Transceiver Station. Therefore, the petitioner is before this Court for a direction to the first respondent, namely the Sub Inspector of Police, Payyannur, Kannur to provide sufficient police protection to the petitioner's employees for construction and other works of a Base Transceiver Station and its ancillary units in Sy.No.187/2 in Karivelloor Village, Taliparamba Taluk, Kannur District.

2. This Court while entertaining the writ petition had issued notice to respondents 2 to 5 and they have entered appearance through learned counsel Mr.M.Sasindran.

3. The learned counsel appearing for respondents 2 to 5 would submit that the respondents shall not interfere with the petitioner's employees for construction and other works of a Base Transceiver Station and its ancillary units in Sy.No.187/2 in Karivelloor Village, Taliparamba Taluk, Kannur District.

4. Recording the aforesaid submission, the writ petition is disposed of. If for any reason, respondents 2 to 5 obstruct the petitioner's employees for construction and other works of a Base Transceiver Station and its ancillary units in Sy.No.187/2 of Karivelloor Village, the petitioner is at liberty to lodge a

complaint before the first respondent, who in turn will act in accordance with law to consider the request that may be made by the petitioner in its complaint. The order passed by this Court will not come in the way of respondents 2 to 5 in taking appropriate proceedings before appropriate forum.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

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